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Pratt, Harry E.

Lincoln Defends Tom
Patterson.

(1940)

ILLINOIS HISTORICAL SURVEY

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Lincoln Defends Tom Patterson*

By HARRY E. PRATT, Executive Secretary
Abraham Lincoln Association, Springfield

The Lincoln-Douglas debates in the fall of 1858 caused the postponement for six months of the murder trial of Thomas Patterson of Sadorus, Illinois. Lincoln and Leonard Swett, attorneys for Patterson at the April, 1858, term of the Champaign Circuit court at Urbana, got the case postponed until fall because of the intense feeling aroused by the recent killing of Samuel Dehaven.

When Judge Davis called the case on October 20th, Lincoln was speaking before a crowd of 3,000 at Rushville. Patterson made affidavit that he could not come safely to trial without the aid of Lincoln and Swett. He swore that their absence "has not been by his leave or procurement," and though he had other counsel employed, he relied upon them.

On April 21, 1859, a year after the indictment for manslaughter, the case of the **People v. Patterson** was tried at Urbana. Patterson had, in the meantime, been out on \$3,000 bond signed by his brothers William and Golden. From the indictment drawn by Ward H. Lamon, the prosecuting attorney, and other papers in the case, the story

of the murder and the trial can be reconstructed.

Patterson, a farmer, born and raised in the southern part of Vermilion county, had left the farm and opened a store in Sadorus in Champaign county when the Great Western Railroad was put through in 1857. In March, 1858 Samuel Dehaven, owner of a 160 acre farm near Sadorus, came into Patterson's store to purchase a hatchet. Dehaven was drunk and became angry when Patterson refused him credit until his account was paid.

Despite Dehaven's reputation for being a bad man when drunk, Patterson ordered him out of the store. Dehaven went out but in a few moments returned and renewed the quarrel, but again left on being ordered out by Patterson.

Following him to the door, Patterson saw the drunken man pick up a spade, whereupon he grabbed a two pound scale weight and stepped outside. When Dehaven was within three or four paces with the spade upraised in a striking position, Patterson, fearful of his life, threw the weight. It struck Dehaven on the left side of the head near the ear, opening a wound three inches long and an inch deep.

The wounded man slumped and fell. Spectators declared Patterson had killed him, but examination showed Dehaven was still alive, whereupon he was taken into Patterson's house. Efforts to re-

* This article is based upon the files of the Patterson case in the office of the Circuit Clerk of Champaign County, Urbana, Illinois; the pardon papers in the Illinois State Archives, Springfield, Illinois; and the original files of the estate of Abraham Lincoln in the Illinois Historical Library, Springfield, Illinois. The letter reproduced on the following page is a reduced facsimile of the original, now in the Illinois State Archives, Springfield, Illinois, here reproduced with permission of Miss Margaret Norton, Illinois State Archivist.

13 Bloomington, Illinois
June 12th 1866.

Mr John Wood My Dear.

Sir - Mr Patterson, from
in Vermilion County, one of the
highest respectability - His father
& mother are, I think, nothing -
His brothers are very worthy gen-
-tlemen, and I never heard of
their violating the Law in
any particular - I never knew
Patterson until the trial in
Urbana -

The gentlemen who
have written this letter, are
as worthy men, as there are
in the State - There are
no two persons in the County
of higher respectability and
character - I have known
them for many years, and
the ~~the~~ the opinion that I
have expressed as to their
character - would be the
universal opinion of all
who know them -

With great respect
Your friend & servant
David Davis

August 14, 1866

Considering the absence of previous bad character of Patterson known
sup. the character of his father, the excellent character of all his family
education, and the very numerous signs of his neighborly
I recommend that he be pardoned at once -

Answer -

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vive him failed and the following day he died.

Patterson was arrested and given a hearing before two justices of the peace and bound over to the grand jury. The Champaign county grand jury heard the ten witnesses including two physicians who had attended Dehaven and returned an indictment for manslaughter.

Now, after being out a year on bail, the accused was faced with eight years in prison—the maximum imprisonment for manslaughter. Four attorneys, Lincoln, Leonard Swett of Bloomington, Henry C. Whitney and W. G. Coler of Urbana conducted the defense.

The court room was packed with the residents of Sadorus. Their sympathies were with the dead man—who had been an old resident and against Patterson a “new-comer” in their midst. Fourteen witnesses had been called by prosecutor Lamon and his assistant John Moses. As the trial went on it appeared that the State’s witnesses were old cronies of Dehaven.

Lincoln had twenty-one witnesses, including nine character witnesses from Vermilion county. The plea was self-defense—that Patterson firmly believed that he would be struck with the spade. His respectable connections and reputation as a quiet, industrious, bashful and timid man were emphasized.

Lincoln made the last speech and wrote the first three instructions to the jury, Judge Davis concluding the instructions.

The jury returned a verdict of guilty and Judge Davis, overruling

Lincoln’s motion for a new trial, sentenced Patterson to three years in the penitentiary. Unable to pay the costs of the trial, the sheriff sold two lots in Sadorus belonging to Patterson for \$178.77 to pay the costs. Patterson entered the new penitentiary at Joliet on May 3, 1859. He was then thirty-four years of age and became a model prisoner according to Warden Casey, working faithfully and conducting himself well.

A year later, at the time of Lincoln’s nomination for president, petitions were circulated in Champaign and Vermilion counties asking a pardon for Patterson. When 1355 signatures had been obtained, they were forwarded to Leonard Swett. Swett discussed the question of a pardon with Governor John Wood and then wrote a formal request. The arguments for a pardon were based on the belief that he had been “impelled to act by dread of bodily injury and that no other motive could have induced him to commit such a deed”; that he had a sick wife and four small children who needed his support.

Judge Davis also wrote a plea on the back of a long letter to the Governor signed by two citizens of Vermilion county. Davis stated that “the gentlemen who have written this letter, are as worthy men as there are in the state . . . and the opinion that I have expressed as to their character would be the universal opinion of all who know them.”


The pardon petitions and letters were forwarded to Ozias M. Hatch, then Secretary of State. He showed Davis’ letter to Lincoln who endorsed the plea for a par-

don for Patterson in these words: "Considering the absence of a previous bad character of Patterson himself, the necessities of his family, the excellent character of all his family connections, and the very numerous signed petition of his neighbors, I recommend that he be pardoned at once."

Secretary Hatch sent the petitions and letters to Governor Wood in Quincy and the pardon was is-

sued on August 30, 1860, sixteen days after Lincoln had attached his note to Judge Davis' letter.

Lincoln and Swett each received a \$200.00 fee for defending Patterson. A note for \$80.00 of this fee yet unpaid was held by Lincoln at the time of his death. It was collected in February, 1866 by the law firm of Sheldon & Jaques of Champaign, for Judge Davis, the administrator of Lincoln's estate.



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LINCOLN DEFENDS TOM PATTERSON S.L.



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